

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 18, 2020

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

FRASER McDONOUGH
ROTCHFORD,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS,

Defendant.

No. 4:19-cv-05291-SMJ

ORDER DISMISSING ACTION

On December 30, 2019, Plaintiff Fraser McDonough Rotchford, while a prisoner at the Washington State Penitentiary, filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. ECF No. 1. He did not pay the filing fee or submit an application to proceed *in forma pauperis* under the Prison Litigation Reform Act, 28 U.S.C. § 1915, and he did not comply with 28 U.S.C. § 1915(a)(2), which requires a prisoner seeking to bring a civil action without prepayment of the filing fee to submit a certified copy of his trust fund account statement (or institutional equivalent) for the six months immediately preceding the filing of the complaint.

By letter dated December 30, 2019, the Clerk's Office advised Plaintiff of these deficiencies. ECF No. 2. The Clerk's Office provided him with an application

1 to proceed *in forma pauperis* to complete and return. *Id.* Plaintiff has not complied
2 with this directive and has filed nothing further.

3 On March 11, 2020, this Court ordered Plaintiff to submit a completed
4 application to proceed *in forma pauperis* and to submit a certified copy of his six-
5 month inmate trust account statement (or institutional equivalent) for the period
6 immediately preceding December 30, 2019 within **twenty-one days** of the date of
7 that Order. ECF No. 4. In the alternative, Plaintiff was advised he could pay the full
8 \$400.00 filing fee. *Id.* Plaintiff was cautioned that his failure to comply would result
9 in the dismissal of this case. *Id.* Plaintiff has neither paid the filing fee nor returned
10 the application to proceed *in forma pauperis* along with his six-month inmate trust
11 account statement (or institutional equivalent) by the due date of April 1, 2020.

12 Accordingly, **IT IS HEREBY ORDERED:**

- 13 **1.** This action is **DISMISSED** without prejudice for failure to pay the
14 filing fee or comply with the *in forma pauperis* requirements of 28
15 U.S.C. §§ 1914 and 1915.

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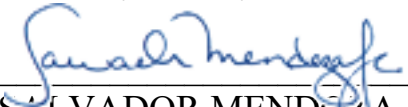
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1 2. The Court certifies any appeal of this dismissal would not be taken in
2 good faith.

3 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order,
4 enter judgment, provide copies to *pro se* Plaintiff at his last known address, and
5 **CLOSE** the file.

6 **DATED** this 18th day of May 2020.

7 
8 SALVADOR MENDOZA, JR.
 United States District Judge